

2016 Regular Session

SENATE BILL NO. 288

BY SENATOR APPEL

PUBLIC CONTRACTS. Prohibits a political subdivision from adopting more restrictive requirements and provides for state preemption. (8/1/16)

1 AN ACT

2 To enact R.S. 38:2211.1 and to repeal R.S. 38:2225.1(B)(2), relative to public contracts; to
3 provide relative to the awarding and performance of contracts for public works; to
4 provide for preemption of state law; to provide certain terms and conditions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2211.1 is hereby enacted to read as follows:

8 **§2211.1. Preemption**

9 **No political subdivision shall adopt an ordinance setting forth**
10 **requirements more restrictive than the provisions of this Chapter for the**
11 **awarding and performance of a public contract. This prohibition shall include**
12 **an ordinance mandating local or other preferential hiring requirements, not**
13 **otherwise provided by state law, for a bidder or contractor. However, this**
14 **prohibition shall not include any ordinance requiring a bidder or contractor to**
15 **have certain policies or practices related to discrimination. Any ordinance in**
16 **violation of this Section on its effective date or adopted thereafter shall be**
17 **deemed preempted by state law and be null and void.**

1 Section 2. R.S. 38:2225.1(B)(2) is hereby repealed.

The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

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Present law establishes the Public Bid Law and provides that all public work exceeding the contract limit provided for in present law shall be let out for bid.

Proposed law prohibits political subdivision from enacting an ordinance mandating local or other preferential hiring requirements not provided for in present law. Further provides that such prohibition will not include any ordinance requiring a bidder or contractor to have certain policies or practices related to discrimination.

Proposed law provides that any ordinance in violation with proposed law on its effective date or adopted thereafter shall be deemed preempted by proposed law and shall be null and void.

Effective August 1, 2016.

(Adds R.S. 38:2211.1; repeals R.S. 38:2225.1(B)(2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,
Highways, and Public Works to the original bill

1. Makes technical corrections.

Senate Floor Amendments to engrossed bill

1. Adds anti-discrimination provision exemption.